



# Contingency Contracting Training



**Domestic  
Emergency  
Response**



[Chapter 9 in DCC Handb](#)



# Overview

- Key Points
- Introduction
- Domestic Emergencies
- Emergency Acquisition Authorities
- Lessons Learned - Avoid Common Pitfalls
- Advanced Planning for Emergencies at Your Home Station
- On-Scene Operations
- Chapter Acronyms





# Key Points

- Many domestic support operations are handled at the state level; in these cases, Army and Air National Guard units provide military support under state active duty or [Title 32 USC](#) control
- Federal Emergency Management Agency ([FEMA](#)) is the lead federal agency responsible for coordinating contracting support for domestic emergencies
- DoD does not augment FEMA or other federal agencies with contracting staff, but can support specific contracting tasks as directed by the President or SECDEF
- Military forces operating in domestic support operations should keep contracted support of the deployed force to a minimum to avoid competing with other support efforts for limited local resources
- Acquisition and emergency acquisition flexibilities are identified in [FAR Part 18](#) and [DFARS Part 218.1](#) and [218.2](#)
- Contracting Officers are fully authorized to innovate and use sound business judgment that is otherwise consistent with law and within their authority





# Domestic Emergencies

This chapter discusses topics covered elsewhere in the Handbook, but from the perspective of domestic emergency response.

Please see *Emergency Acquisitions Guide* issued by the Office of Federal Procurement Policy (OFPP) for further reading.

- The Secretary of Homeland Security is responsible for coordinating federal operations with the US to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies
- FEMA serves as the lead federal agency and provides support to local, tribal, or state authorities under the provisions of the *Stafford Act* and guidance contained in the *National Response Framework*





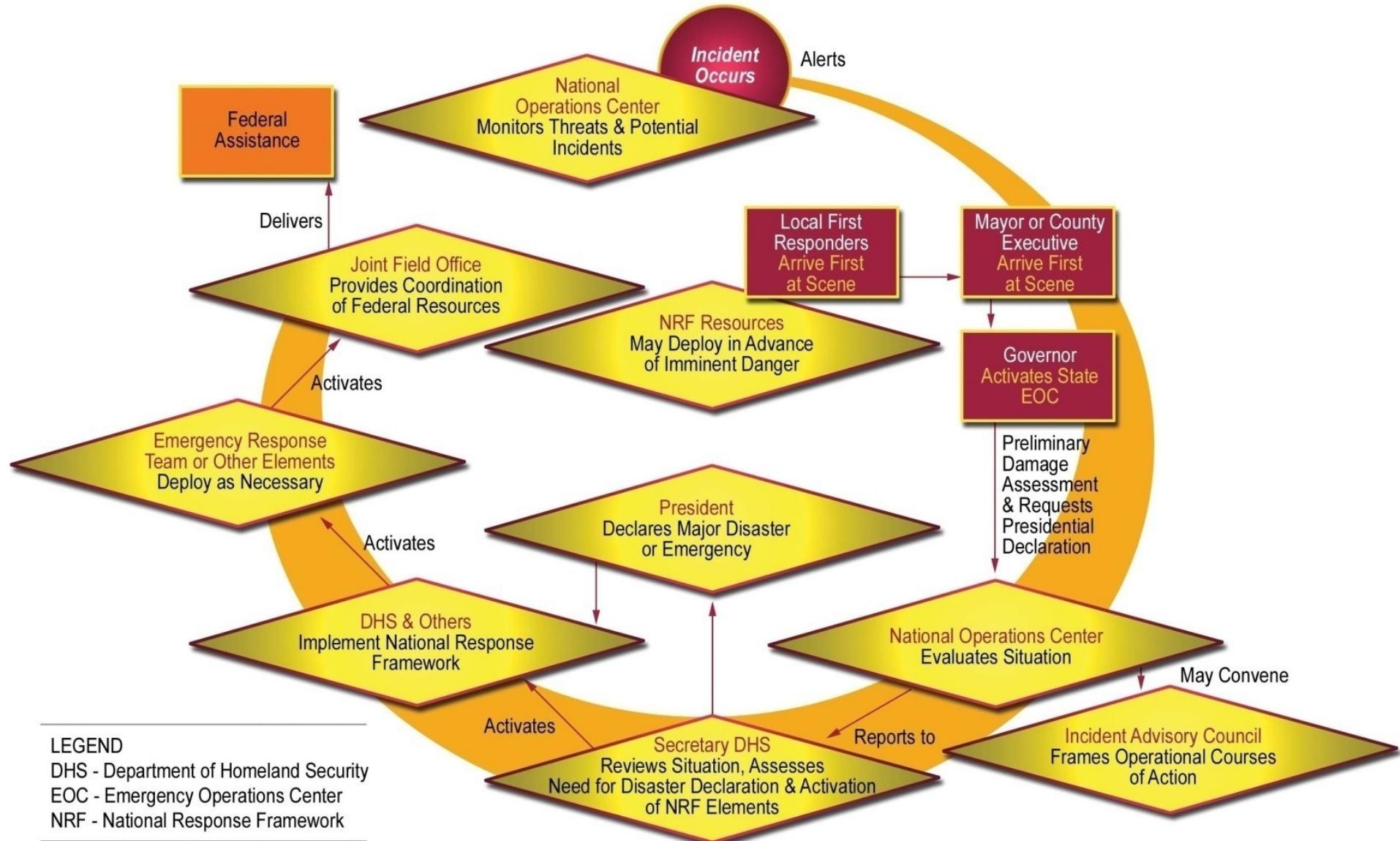
# Domestic Emergencies

- Defense Support of Civil Authorities ([DSCA](#)) provides contracting support for homeland security operations
- The National Response Framework ([NRF](#)) is applicable to all federal departments and agencies that have primary jurisdiction for, or participate in, operations requiring coordinated federal response; coordinated and managed by FEMA
- Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 USC Section 5121-5206](#)), authorizes the federal government to help state and local governments alleviate the suffering and damage caused by disasters





# Domestic Emergencies





# Domestic Emergencies

- Request for Assistance (RFA) Process includes Federal agencies or state governors requesting DoD capabilities to support their emergency response efforts by using a formal RFA process
- Contracting Support to Domestic Emergency Operations, [NRF](#) defines the key principles, roles, and structures that organize the way we respond as a nation
- Military support comes in the form of organic military forces with limited operational contract support (OCS)
  - The U.S. Army Corps of Engineers (USACE) Contingency Response Team (CRT) deploys in support of FEMA's response team
- Additional information on disaster or emergency response contracting can be found at  
[https://www.acquisition.gov/emergency\\_contracting.asp](https://www.acquisition.gov/emergency_contracting.asp)





# Domestic Emergencies

## National Guard Operations, NG Regulation 500-1

- Domestic operations handled at the state level - Army and Air National Guard units provide military support under [Title 32 USC](#)
- When National Guard units deploy within CONUS, receive contracting support from their home state; generally short-term deployments such as disaster response
- National Guard Bureau-Joint Task Force-State (NGB JTF-State) coordinates with other states to provide short-term contracting personnel support augmentation to the state requesting assistance
- OMB may deploy members of the Contingency Contracting Corps to help during an emergency situation, [41 USC § 2312](#)





# Domestic Emergencies

- Incident Command System (ICS), a standardized on-scene incident management concept designed to allow responders to adopt an integrated organizational structure
- ICS developed to manage and address the following problems:
  - Too many people reporting to one supervisor
  - Different emergency response organizational structures
  - Lack of reliable incident information
  - Inadequate and incompatible communications
  - Lack of structure for coordinated planning among agencies
  - Unclear lines of authority
  - Terminology differences among agencies and unclear incident objectives
- ICS enables integrated communication and planning by establishing a manageable span of control





# Emergency Acquisition Authorities

- FAR Part 18, *Emergency Acquisitions*, identifies available general acquisition flexibilities, except for:
  - Contingency operations, FAR 18.201
  - Defense or recovery from nuclear, biological, chemical or radiological attack, FAR 18.202
  - Emergency declaration or major disaster declaration, FAR 18.203
- COs are encouraged to be innovative while using sound business judgment that is consistent with law and within the limits of their authority
- Do not assume that a new approach is prohibited simply because it is not in the FAR





# Emergency Acquisition Authorities

The following authorities are available during any type of emergency situation:

- Relief from Registration in Central Contractor Registration (CCR)
  - CCO will modify the contract or agreement to require registration after award, FAR 4.1102(a)(3) and 4.1102 (b))
- Relief from Use of Electronic Funds Transfer (EFT)
  - Contract payments are exempt from EFT requirements when EFT is not known to be possible, or an EFT payment would not support the objectives of the operation
- Defense or Recovery from Specific Attacks
  - There are flexibilities available to support acquisitions that are made to facilitate defense against or recovery from nuclear, biological, chemical or radiological attack or in support of a declared contingency.





# Emergency Acquisition Authorities

When any of the following are declared:

- 1) Incident of national significance    3) National emergency
- 2) Emergency declaration                    4) Major disaster

These flexibilities are available:

- ) Limited use of full and open competition
- ) Local area preferences
- ) Temporary waiver of the Cargo Preference Act of 1954 requirements using FAR 47.502(c)





# Lessons Learned - Avoid Potential Pitfalls

- Contractor Sourcing
  - Avoid overloading construction contractors
  - Consider limiting your sources to known contractors
  - A Bid Bond may weed out the less qualified contractors; use of terminations for convenience becomes a viable alternative
  - Bid Bonds can be waived, but Performance and Payment Bonds cannot be waived
- Long Term Issues
  - Prolonged Emergency Use
  - Service Contracts
  - Construction Contracts
  - Contract Administration
  - Custodial Contracts
  - Contractor Employee





# Advance Planning for Emergencies at Your Home Station

- A viable readiness plan with well versed training scenarios is key to effectively support recovery efforts
- Planning for Emergencies to include:
  - Contracting's role during contingency conditions
  - How contracting can support base recovery efforts
  - Tools (kits) required to carry out this support
- Review of installation operation plan (OPLAN)
  - Ensure contracting support is sound with respect to types of supplies and services that might be needed with short lead times
  - Tailor to suit needs based on particular operating location





# Advance Planning for Emergencies at Your Home Station

- Defense Logistics Agency, the DoD executive agent for commodities, should be used to the fullest extent possible for:
  - Subsistence
  - Bulk fuel
  - Medical material
  - Construction and barrier material
- Pre-positioned contractors facilitate a timely emergency response
  - GSA Disaster Relief Program, <https://www.gsaadvantage.gov/>
  - GSA Wildland Fire Program, <https://www.gsaadvantage.gov/>
  - Interagency Contract Resource List, <https://contractdirectory.gov/contractdirectory/>
- Pre-identified contractors, designate potential availability to provide disaster response products and services via the Central Contractor Registration (CCR)
  - CCOs should consult the Disaster Response Registry at [www.ccr.gov](http://www.ccr.gov) for information on firms ~~FAIR 26.205~~





# Advance Planning for Emergencies at Your Home Station

The HCA will ensure that local contingency plans requiring contracting support for the installation are reviewed and coordinated

- Determine types of supplies and services that might be quickly needed
- Become familiar with local conditions and factors unique to the area
- Become familiar with installation relocation or alternate work site plans
- Ensure that the process for prioritizing requirements is agreed to before the contingency hits
- Determine appropriate actions to continue performance of essential contractor services pursuant to [DoDI 1100.22, Policy and Procedures for Determining Workforce Mix](#)
- Ensure that plans provide for adequate transportation, communications, and office space for contracting and other essential personnel
- Ensure inclusion of procedures for receipt and inspection of purchases; facilitate prompt payment and expeditious closeout of





# Advance Planning for Emergencies at Your Home Station

Local Contracting Support Plans to ensure contingency contracting support for tasks assigned by the installation OPLANs:

- Current list of installation emergency plans and their contracting portions
- Provisions for emergency communications with installation officials, customers, and suppliers
- Procedures for manual requisitioning of supplies, including required approval authorities, forms, and general processing requirements
- Provisions for funding requests
- Instructions for manual purchase registers and recordkeeping
- Guidance for use of the GCPC for emergency purchases
- Instructions for use of unit deployment kit, including a GPS
- Procedures for accommodating a spike in contract terminations
- Procedures for accommodating unusual administration requirements





# Advance Planning for Emergencies at Your Home Station

- One of the best ways to plan and prepare is to review applicable After Action Reports (AARs) from prior emergencies <https://acc.dau.mil/contingency>
- When reviewing AARs, consider:
  - The type of emergency involved and the associated needs with each phase of the emergency (such as initial response and recovery)
  - The types of acquisition vehicles used, contract terms and conditions, and prices
  - Roles and responsibilities assumed by other agencies providing acquisition assistance and the interagency agreements used to document responsibilities
  - Sources of funding
  - The types of logistical challenges encountered in delivering products and services, and steps taken to address these challenges
  - Legal issues that arose
  - Management's overall assessment of agency and contractor performance





# Advance Planning for Emergencies at Your Home Station

- FEMA's Emergency Management Institute, along with DAU and the Federal Acquisition Institute, offers online courses on the National Incident Management System and the Incident Command System for COs who may be deployed during an emergency  
<http://training.fema.gov/EMICourses>   [www.fai.gov](http://www.fai.gov)
- Assume there might not be power to operate office equipment
  - Access to a portable generator and plenty of fuel should be a top priority
  - To be procured quickly (if not already acquired)
  - Or else hard to find in the local area
- Resources are limited and getting requirements to the top of the installation priority list will be difficult
  - Arrange in advance and detail in contingency plan





# Advance Planning for Emergencies at Your Home Station

Installation contingency plan, include:

- Alternate location in continuity of operations plans
  - Consider establishing an off-site location
- Designate the proposed on- and off-installation alternative contracting sites in advance and incorporate into plan
- Buying procedures COs will use during an emergency
- Maintain a current and accurate emergency support source listing covering commodities, services, and construction
  - Multiple vendors for all required goods and services
  - Telephone numbers (business and home) for each vendor
  - An accurate address for each vendor (in case phone lines do not work)
  - A 24-hour point of contact for each business





# Advance Planning for Emergencies at Your Home Station

## Reachback Capabilities:

- If the local contracting office cannot execute its mission due to a catastrophic disaster, the contracting offices must coordinate lateral support with other regional contracting offices unaffected by the disaster
- May commit personnel or reachback contracting support
- Team with other nearby contracting offices (and those capable of providing reachback contracting support) to plan and prepare for a catastrophic contingency
  - Exchange vendor lists for wider coverage with installations nearby





# On-Scene Operations

Initial recovery contracting actions are critical:

- Activate Recall: Get your personnel on scene
- Assess damage to the Contracting Office or relocate
  - Establish overall functioning capabilities immediately
- Organize the contingency staff: structure, roles,
- Initial set-up Actions
  - Prioritize list of initial requirements to procure
  - Contact Installation Commander and Finance
  - Establish communication lines and power capabilities
  - Seek lateral support
  - Secure transportation





# On-Scene Operations

## Managing initial purchases:

- First 24 hours are the most hectic and will require a concentrated buying effort
- Get organized
  - Set up a purchase request tracking list
  - Ensure all personnel are aware of the procedures
  - Start with a separate block of purchase order numbers
  - Appoint a requisition control point (RCP) monitor
  - Establish one focal point for each customer
  - Establish comprehensive procedures for receiving goods





# On-Scene Operations

## Dealing with Rental Requests:

- Heavy Equipment: preference is to borrow equipment from other bases, posts, military installations, or federal agencies
  - Very expensive to rent heavy pieces of equipment and vehicles; many companies send operators to accompany equipment
  - Extensive disaster recovery period may be long, increasing the risk of damage
  - If rented, ensure they are returned immediately when no longer required
- Leasing Trailers and Temporary Buildings:
  - set minimum acceptable requirements, e.g. size, amount of functional office space, outlets, doors, windows
  - Suggest a site visit before leasing
  - Consider electrical distribution needs early on





# On-Scene Operations

- Managing Other Service Requirements
  - Grounds maintenance contractor may have equipment and manpower to help clear debris from the installation
  - Refuse contractor can increase frequency of pickups and provide several large dumpsters
  - Mess attendant contractor can go to a 24-hour food service operation
  - Tree removal will be one of the largest service requirements for high wind-related emergencies (tornados or hurricanes)
- Results in changes to contractor's contracts and compensation
- COs issue change orders (with the appropriate funds) and negotiate the changes when the situation calms down





# On-Scene Operations

Obtaining Key Commodities: consider establishing BPAs with multiple suppliers within and outside the local area for these commodities if installation is located in a high-risk disaster area

- Ice: if power is out, the commissary, food service, and installation residents will need ice to preserve their food
  - Develop at least one source outside the local area because you will be competing with the local community
  - Monitors the quantity carefully
  - All ice and water purchases must be authorized by an approved medical authority, see “Approved Food Sources” link on the US Army Veterinarian Web site for locations by theater at  
<http://vetcom.amedd.army.mil/food.html>
- Paper Products: with power off, on-base dining facilities will use paper products to feed the troops
- Other Common Items: e.g. lumber, plastic sheeting and chain saws
  - scarce in the local market with competition from local residents





# On-Scene Operations

Evaluating Construction Needs: involve assessing and modifying ongoing construction projects damaged by the storm, and the rapid procurement of new construction projects to repair installation damage

- Evaluate current construction sites using a team approach
- Liability has to be addressed
- Be careful when negotiating time extensions = time is money
- The contractor is liable for damage caused to the construction site
- Contractor responsible for materials delivered and work performed
- Installations should include the Permits and Responsibilities Clause, [FAR 52.236-7](#), in all construction solicitations and in preconstruction meetings
- Expect several new construction requirements after a natural disaster
- Use a short-term request for proposals to increase competition and avoid a cost-reimbursement type contract
- Pre-established ID/IQ or requirements-type contracts





# Chapter Acronyms

- AAR – After Action Report
- BPA – Blanket Purchase Agreement
- CBRN – Biological, chemical, radiological, or nuclear
- CCO – Contingency Contracting Officer
- CCR – Central Contractor Registration
- DFARS – Defense Federal Acquisition Regulation Supplement
- DLA – Defense Logistics Agency
- DoD – Department of Defense
- DoDI – Department of Defense Instruction
- DOS – Department of State
- EFT – Electronic Funds Transfer
- ER – Emergency Response
- FAR – Federal Acquisition Regulation
- FDR – Federal Disaster Relief
- FEMA – Federal Emergency Management Agency
- GCPC – Governmentwide Commercial Purchase Card
- GPS – Global Positioning System
- HCA – Head of Contracting Activity
- ICS – Incident Command System
- NGB-JTF – National Guard Bureau Joint Task Force
- NGO – Nongovernmental Organization
- NRF – National Response Framework
- OCS – Operational Contract Support
- OFPP – Office of Federal Procurement Policy
- OPLAN – Operation Plan
- RCP – Requisition Control Point
- RFA – Request for Assistance
- SWA – Southwest Asia
- US – United States
- USC – United States Code





**Agile Contracting Support...Anytime...  
Anywhere**

